

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

CASE NO. 4:02-cv-4025

PHILLIP J. WILLIAMS; LaSHAWNDA CLARK,
f/k/a LaSHAWNDA WILLIAMS, and
ARKANSAS STATE LAND COMMISSIONER

DEFENDANTS

ORDER AND JUDGMENT OF DEFAULT

On this day comes before the Court the Motion for Default Judgment (ECF No. 40) filed by the Plaintiff United States of America as to Willie Clark, and from the statements contained in said Motion as well as a review of the record, from all of which, the Court finds:

1. The Amended Complaint in this action was filed on October 24, 2014, naming Phillip J. Williams and Willie Clark as Defendants, among others.

2. On April 1, 2015, the United States of America filed its Motion for Service by Publication setting forth its inability to obtain service upon Phillip J. Williams and Willie Clark despite its diligent efforts as set forth therein. (ECF No. 35). On April 3, 2015, this Court entered its Order directing service upon Phillip J. Williams and Willie Clark by publication, and providing that Phillip J. Williams and Willie Clark shall appear or plead in this case on or before June 5, 2015. (ECF No. 36).

3. As directed by the Court, the United States caused said Order to be published in a newspaper having a general circulation in Hempstead County, Arkansas, once weekly for six consecutive weeks. (ECF No. 38).

4. Separate Defendant, Willie Clark, has failed to appear, plead or otherwise appear as ordered by this Court, and is in default.

5. Given that the time within which to appear, plead or otherwise appear has expired, pursuant to Rule 55 of the Federal Rules of Civil Procedure, the United States is entitled to a Default Judgment for the relief as prayed for in the Complaint against the Separate Defendant, Willie Clark, *in rem* only.

6. For good cause shown, the Court finds the Motion for Default Judgment should be granted.

IT IS THEREFORE, ORDERED, default judgment is hereby granted in favor of the Plaintiff United States of America against the Separate Defendant, Willie Clark, *in rem* only as prayed for within the Amended Complaint.

IT IS SO ORDERED this 6th day of August, 2015.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge